REMARKS

This Application was filed with 28 claims. Claim 20 has previously been canceled. Claims 29-31 have previously been added. Claims 1-19 and 21-31 have been rejected. Claims 2, 3, 8- 14, 18- 22, 24, 26 and 29 are canceled herein, and Claims 1, 4- 7, 15, 23, 25, and 27- 28 are amended herein. Therefore, Claims 1, 4- 7, 15- 17, 23, 25, 27- 28 and 30- 31 are pending in the Application. Applicant respectfully requests reconsideration of the Application based on the remaining claims as amended and arguments submitted below.

Claim Objections- Informalities

Claims 18 and 24- 28 have been objected to for typographical informalities. Applicant has herein made appropriate correction as required.

Claim Rejections- 35 U.S.C. § 112

Claims 1(a), 1(c), and 3 have been rejected as being indefinite under section 112, second paragraph. Applicant has canceled Claim 3 and revised the remaining claim language to particularly point out and distinctly claim subject matter which Applicant regards as the invention.

Claim Rejections- 35 U.S.C. § 101

Claims 23- 30 have been rejected under section 101 as being directed to non-statutory subject matter. Applicant has revised the claim language pursuant to the suggestions of Examiner to bring the claims into compliance with the statute.

Claim Rejections - 35 U.S.C. § 103

Claims 1- 5 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Knowlton (U.S. Publication No. 2003/0204415) in view of Ghouri (U.S. Publication No. 2004/0162835).

Claims 6, 8- 24 and 26- 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Knowlton in view of Ghouri and further in view of Fabrick (U.S. Publication No. 2004/0088317).

Claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Knowlton, Ghouri and Fabrick and further in view of Mayaud (U.S. Pat. No. 7,072,840).

Applicant has amended or canceled several Claims to more distinctly claim various features and limitations of the invention.

One feature in particular that has yet to be disclosed by any of the references cited is that of automatically excluding or suppressing certain information. The invention narrows the scope of potential diseases that a patient may have by automatically excluding within a data processing system those that are contra-

indicated by medication history. Mild or non-significant contra-indications are not used to automatically exclude diseases, because medications might be prescribed for or otherwise taken by a patient without regard for them.

The invention further narrows the scope of information such as side effects, drug-drug interactions, or disease-drug interactions that a health care provider must sift through to diagnose a condition or prescribe medication by automatically excluding mild or non-significant information from that output to the provider. In this manner the provider may more efficiently make diagnostic decisions on behalf of a patient, and a patient for example may more readily take note of the most relevant information.

Even further, medication specific data gathered for processing pursuant to the invention is automatically gathered from independent resources rather than manually from the patient, as being generally more reliable where available. The diseases or physical conditions associated with the patient are derived from the list of medications input into the system, and not from relying on an unreliable or unresponsive patient.

Ghouri discloses a system for identifying contra-indications based on the medications and physical conditions provided. However, Ghouri is intended to provide a thorough report of all available information to the patient for drug safety. Rather than provide information specifically relevant to diagnoses or prescriptions, Ghouri discloses a comprehensive template populated with all elements,

interactions and instructions related to the patient generally and also in light of a newly prescribed drug.

Ghouri does not disclose excluding certain, or in fact any, information from view by the end user. Ghouri also in fact teaches away from generating names of physical conditions based on the medications provided, instead relying on information from the patient as being particularly important to diagnoses (e.g., in paragraphs [0050],[0051]).

Fabrick is also cited by Examiner in the context of teaching a method comprising automatically suppressing certain information such as side effects. Fabrick in the passages cited for example in paragraph [0039] refers to an "override item" wherein a user such as a health care provider may choose to manually select and exclude or "suppress" side effects. This is clearly distinct from the present invention, where non-significant consequential information is automatically suppressed within the scope of the method and as a claimed feature of the invention, and where diseases or physical conditions associated with significant contra-indications are similarly automatically suppressed.

Each of the cited references individually, and when considered as a whole, teach systems and methods for providing as much information as possible to the user. The user may then manipulate the information as he or she sees fit. Each reference further teaches gathering medical information from as many sources as available, and particularly from the patient.

Claim 1

Applicant has amended Claim 1 to include providing a data processing system having a computer program to automatically execute the steps of the method with regards to the data processing system. In this manner the exclusion of certain information is clarified as being carried out automatically by the computer program prior to user access.

Applicant has further amended Claim 1 to include the limitation that the medications of a patient are determined from one or more sources independent of the patient, and further comprise both discontinued and current medications. While certain information such as drug-drug interactions, side effects and therapeutic classes are most relevant with respect to current medications only (Paragraph [0043]), the disease-drug contra-indications and physical conditions associated even with discontinued medications may still be relevant and are used to perform the exclusion step. Further, the specification describes the gathering of information exclusive of patient input as being not only possible but preferable (Paragraph [0033]).

Claim 1 has further been amended to automatically exclude physical conditions associated with significant contra-indications rather than with both significant and non-significant contra-indications. Paragraph [0025] defines non-significant medical information as being that which is not severe or moderate, but

rather mild. Mild contra-indications, interactions, side effects, etc. are characterized throughout the specification as being worthy of exclusion or suppression from display or diagnostic use in the system and method of the invention.

Claim 1 has been further amended to output only the remaining physical conditions (after exclusion of those associated with the significant contra-indications), as well as significant side effects and drug-drug interactions.

Applicant submits that the clarified features and new limitations of Amended Claim 1 are patentably distinct over the cited references, and respectfully requests withdrawal of the above-stated rejection.

Claims 4- 7 are dependent back to patentably distinct Amended Claim 1. As such, and without further argument as to included features not disclosed in the prior art, Applicant nevertheless respectfully submits that Claims 3-7 are patentable.

Claim 15

Claim 15 has likewise been amended to better clarify certain features and limitations. Applicant submits that the clarified features and new limitations of Amended Claim 15, and in particular the automatic suppression of mild drug-drug interactions by a computer readable instructions within a data processing system,

are patentably distinct over the cited references, and respectfully requests withdrawal of the above-stated rejection.

Claims 16-17 and 30 are dependent back to patentably distinct Amended Claim 15, and include features not disclosed in the prior art. As such, Applicant respectfully submits that Claims 16-17 and 30 are patentable.

Claim 23

Claim 23 has been amended to better clarify certain features and limitations. Applicant submits that the clarified features and limitations of Amended Claim 23, and in particular the automatic suppression of mild drug-drug interactions, side effects and disease-drug contra-indications by the data processing system are patentably distinct over the cited references, and respectfully requests withdrawal of the above-stated rejection.

Claims 25, 27, 28 and 31 are dependent back to patentably distinct Amended Claim 23, and include features not disclosed in the prior art. As such, Applicant respectfully submits that Claims 25, 27, 28 and 31 are patentable.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as

appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,

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